

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 INOCENCIO PEREZ,) Case No.: 10-CV-05675-LHK
11 v. Plaintiff,) ORDER REQUIRING PLAINTIFF TO
12 CITIMORTGAGE, INC; QUALITY LOAN) SHOW CAUSE WHY CASE SHOULD
13 SERVICE CORP.,) NOT BE DISMISSED
14 Defendants.)
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17 On December 14, 2010, Plaintiff filed a Complaint alleging various causes of action in
18 connection with a loan on property located at 10330 Athene Drive, San Jose, California 95127.
19 See Compl., ECF No. 1. Defendant Citimortgage has moved to dismiss all causes of action in the
20 Complaint. The hearing on this motion is set for April 28, 2011. Therefore, Plaintiff's opposition
21 to the motion was due on April 7, 2011. See Civ. L.R. 7-3. As of the date of this Order, Plaintiff
22 has filed no opposition, or statement of nonopposition, in violation of Civil Local Rule 7-3. In
23 addition, Plaintiff failed to file a consent or declination to proceed before the Magistrate Judge by
24 February 6, 2011, as ordered by Magistrate Judge Grewal on January 31, 2011. See Order Setting
25 Deadline, ECF No. 12.

26 The Court hereby orders Plaintiff to show cause why this matter should not be dismissed
27 for failure to prosecute. **By 5:00 p.m., Wednesday, April 27, 2011**, Plaintiff shall submit a
28 response demonstrating why the matter should not be dismissed. This Order does not constitute

1 permission to file a late opposition to the pending motion. Failure to respond will result in
2 dismissal. The April 28, 2011, 1:30 p.m. hearing on the motions to dismiss remains as set.

3 **IT IS SO ORDERED.**

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5 Dated: April 18, 2011
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Lucy H. Koh

LUCY H. KOH
United States District Judge